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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LEONARDO JIMENEZ-ARIZA,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 04-76778

Agency No. A29-881-960

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted June 18, 2008^{**}

Before: REINHARDT, LEAVY, and W. FLETCHER, Circuit Judges.

Leonardo Jimenez-Ariza, a native and citizen of Colombia, petitions for review of the Board of Immigration Appeals' order summarily affirming an

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

immigration judge's ("IJ") decision denying his application for withholding of removal. Contrary to the government's contention, we have jurisdiction to review a final order of removal pursuant to 8 U.S.C. § 1252 where, as here, the IJ did not rely upon petitioner's commission of a criminal offense in denying relief. *See Morales v. Gonzales*, 478 F.3d 972, 980-81 (9th Cir. 2007). We review for substantial evidence and will uphold the IJ's decision unless the evidence compels a contrary conclusion. *INS v. Elias-Zacarias*, 502 U.S. 478, 481, 483-84 (1992). We deny the petition for review.

The record does not compel reversal of the IJ's determination that Jimenez-Ariza failed to establish that threats he received in Colombia constituted past persecution, *see Lim v. INS*, 224 F.3d 929, 936-38 (9th Cir. 2000), or that Jimenez-Ariza would face a clear probability of being persecuted on account of his political opinion or any other protected ground, *see Rivera-Moreno v. INS*, 213 F.3d 481, 486-87 (9th Cir. 2000). Accordingly, he is not eligible for withholding of removal.

PETITION FOR REVIEW DENIED.